

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Johannes Baur et al.	Art Unit :	2811
Serial No. :	10/567,935	Examiner :	Ori Nadav
Filed :	February 9, 2006	Conf. No. :	4550
Title :	THIN-LAYER LIGHT-EMITTING DIODE CHIP AND METHOD FOR THE PRODUCTION THEREOF		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed April 17, 2008, applicant elects the invention of Group I, claims 1-6 and 14-19. The election is made with traverse for the following reasons.

An election of claims is not proper because the application is a national phase entry of a PCT application under 35 U.S.C. 371. In this case, PCT rules 13.1 and 13.2 have to be applied when considering unity of the invention (see *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 650 F. Supp. 218, 231 USPQ 590 (E.D. Va. 1986)). *See, also*, MPEP 1896: "U.S. national stage applications (which entered the national stage from international applications after compliance with 35 U.S.C. 371) are subject to unity of invention practice in accordance with 37 CFR 1.475 and 1.499 (effective May 1, 1993)."

As can be seen from the attached Translation of the Written Opinion of the International Searching Authority and the International Search Report, claims 1-13 of the international application have been searched together and were therefore considered to meet the requirements for unity of the invention, as stated in PCT rules 13.1 and 13.2. Specifically, *see*, Box No. IV "Lack of unity of invention" of the Written Opinion that has not been checked.

Claims 1-13 of the PCT application correspond essentially to pending claims 1-13. Claims 14-19 depend on claim 1 and have been added in the response, filed November 29, 2007. Accordingly, also the pending claims meet the requirements for unity of the invention, as stated in PCT rules 13.1 and 13.2.

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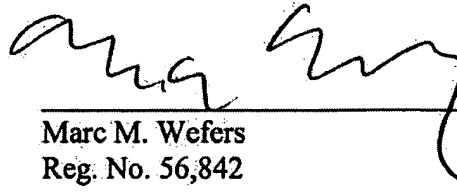
Attorney's Docket No.: 12406-148US1 / P2003,0565
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Respectfully submitted,

Date: _____

5/15/08



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